



**SOUTH WAIRARAPA DISTRICT COUNCIL  
COMBINED MOROA LONGWOOD WATER RACE BYLAW 2014**

## **Introduction**

- A. This bylaw is made by the South Wairarapa District Council in exercise of its powers and authority vested in the Council by Sections 145 and 146(b)(i) of the Local Government Act 2002.
- B. This bylaw applies to properties in the Moroa and Longwood Water Race 'Area'. This is defined to exclude the urban properties of Greytown, though the maintenance obligation provisions contained in Section 3 of this bylaw may still apply to those properties.

## **Purpose**

a) **RURAL**

The primary purpose of the water race system is to provide drinking water for stock. This bylaw manages the activities associated with, or in the vicinity of, the water races to ensure that a quality network is available for current and future users. Secondary uses of the water race networks are defined as conditional uses, and written approval can be granted for those activities where amenity and environmental values are not compromised.

b) **URBAN**

The purpose of water race system in urban areas is to provide continuity of service for water race users downstream in the rural areas, and as a secondary function for storm-water drainage.

## **1. Interpretation**

### **1.1 Defined terms**

**"Area"** means lands through which the Moroa and Longwood Water Races pass. The Area excludes the Greytown urban properties. The affected land is shown on the attached map.

**“Authorised Officer”** means any person or agent appointed by South Wairarapa District Council to be an authorised officer empowered to carry out the Council's functions for the purpose of this bylaw.

**“Bylaw”** means this bylaw as altered, varied or amended from time to time.

**“Committee”** means the Combined Management Committee formed to administer the water race systems under delegation from the Council.

**“Conditional uses”** are those activities or uses of the water race that are neither permitted nor prohibited, but could be undertaken to the benefit of a user or group of users with no adverse effects on the environment, water race, or other users of the race network. These uses will require Council approval under clause 2.2 of this bylaw. These uses will include (but are not limited to):

- (a) Draw off water either by gravity or pumping to a property stock watering system or
- (b) Draw off water for pasture irrigation purposes where the applicant can demonstrate that the current capacity of the water-race system will be retained and the applicant has obtained the written approval from those people that the Council considers to be affected.

**“Farming purposes”** means the provision of water for stock to drink.

**“Owner or Occupier”** means the owner or occupier of land in the Area.

**“Required”** means required by notice in writing on behalf of the Council.

**“Stock”** includes, but is not limited to, horses, sheep, dairy cows, and cattle.

**“The Council”** means the South Wairarapa District Council.

**“Water Race”** has the meaning prescribed in the Section 5(1) of the Local Government Act 2002.

## **2. Use of water races**

### **Permitted uses**

- 2.1 Subject to the payment of the annual charges or rates that may be determined from time to time by the Council, water may be used for stock drinking purposes by an owner or occupier.

### **Conditional uses**

- 2.2 Conditional uses require the written approval of the committee or an authorised officer before being undertaken.

2.3 After receiving an application for a conditional use, it will be assessed against the following criteria:

- (i) Is the proposed activity consistent with, and not contrary to, the general purpose of the water race network and this bylaw?
- (ii) Does the proposed activity have any potential for actual adverse effects that may negatively impact the water race or other users of the network?
- (iii) Does the proposed activity impose any additional financial obligation on the Council?
- (iv) Is the Council required to lead or participate in the process?
- (v) Would the use prevent any consented water take from being exercised?
- (vi) Is the proposed activity the continuation or expansion of an existing use established before this bylaw came into force?

### **Prohibited Uses**

2.4 The following activities are prohibited:

- 2.4.1 Bathing or washing in a water race.
- 2.4.2 Allowing domestic fowl to stray into the water race.
- 2.4.3 Contamination of the water race by chemicals, nutrients, or by any backflow from irrigation equipment, other than with the written approval of Council as a conditional use.
- 2.4.4 Allowing any animal to be in a water race and any stock to enter the water race.
- 2.4.5 Obstructing the flow of water in the water race, including the placement of undersized culverts.
- 2.4.6 Riding, driving or leading any animals or vehicle into, across or through a water race, except at the bridges, culverts or crossing places provided by the Council or constructed with the written approval of Council as a conditional use.
- 2.4.7 Allowing any pipe or other apparatus to be in a state that water supplied from a water race is obstructed or wasted.
- 2.4.8 Permitting any person who does not pay water race rates or charges to take water from the race.
- 2.4.9 Widening or deepening any water race, or altering the course of any water race, without the written approval of the Council as a conditional use.
- 2.4.10 Removing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any water race.

- 2.4.11 Piping the water race without written approval of the Council as a conditional use.
- 2.4.12 Sowing, planting, or permitting to grow any tree, hedge, shrub or other plant of any kind within 5 metres from either side of a water race ( in the rural area), except that:
- (a) Crops and pasture are permitted; and
  - (b) As otherwise approved by the Council as a conditional use.
- 2.4.13 Erecting any building or structures over, in or within 5 metres of either side of any water race without the written approval of the Council as a conditional use.
- 2.4.14 Altering the course of a water race without the written approval of the Council as a conditional use.

### **3. Maintenance**

#### **Owner and Occupier Obligations**

- 3.1 Every owner or occupier of land through which a race runs (whether rural or urban, whether the race is used for stock watering purposes or not, and whether the property is rated for the use of the water or not) shall:
- 3.1.1 Keep the water race, banks, and sides of the race in good order and condition and free from all silt, weeds, vegetation of all kinds, and from all other rubbish and obstructions of all kinds at their own cost.
  - 3.1.2 Keep and maintain the sides, banks, and other earthworks of the water race in such a condition as to prevent or mitigate any overflow, leakage or waste of water.
  - 3.1.3 Allow any Council authorised person / contractor to have access to the water race for the purpose of gathering information for water quality audits of the water race.
  - 3.1.4 Allow any Council authorised person/contractor to have access (with or without machinery) to the water race for the purpose of maintaining, cleaning or improving the water race.

## **Removal of Debris**

3.2 After cleaning a water race or clearing or removing any debris from a water race or from the banks or sides of a race, the owner or occupier of the land is to, without delay, at their own cost and expense, remove any and all clearings and cleanings and other obstructions from both sides of the race in such a manner and to such a distance from the race as may be necessary to both:

3.2.1 Prevent the materials from re-entering the race; and

3.2.2 To allow access to the race by any plant and machinery necessary to clean the race.

## **Failure to Repair or Clean the Race and Failure to Renew Existing Damaged or Undersized Culverts**

3.3 If the owner or occupier fails, neglects or refuses to comply with any provision of this bylaw after having been required to do so in writing by the Council or an authorised Council officer within the specified time, the Council may enter onto the land and, using its employees, servants, contractors, or any other persons and any plant that may be deemed to be necessary by Council, make good such failure, neglect or refusal.

3.4 The Council may charge the owner or occupier with the cost and expense of the work incurred in exercising its powers under clause 3.3 of this bylaw.

## **4. Functions of Council**

4.1 The Council does not undertake or guarantee the provision of water in any water race.

4.2 The Council is not responsible or liable to any person or corporate body for the total or partial failure of any water supply or the quality of the water supplied (where water quality may have been compromised by any means).'

4.3 The Council may allow water to enter the water race through the Greytown Storm Water system and Battersea Drainage Scheme.

4.4 The Council may impose further restrictions in regard of water race fencing.

4.5 The Council may, at its own discretion, grant an extra supply of water from the water race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established and recovered by the Council at the time of any application.

4.6 The Council may under powers given to it under the Local Government (Rating) Act 2002 and the Local Government Act 2002 establish, vary, alter, reduce, increase or remove charges and rates for the provision of the water race system.

4.7 The Council may impose restrictions on the draw off of water from time to time.

## **5. Breaches of This Bylaw**

5.1 Any person commits a breach of this bylaw who:

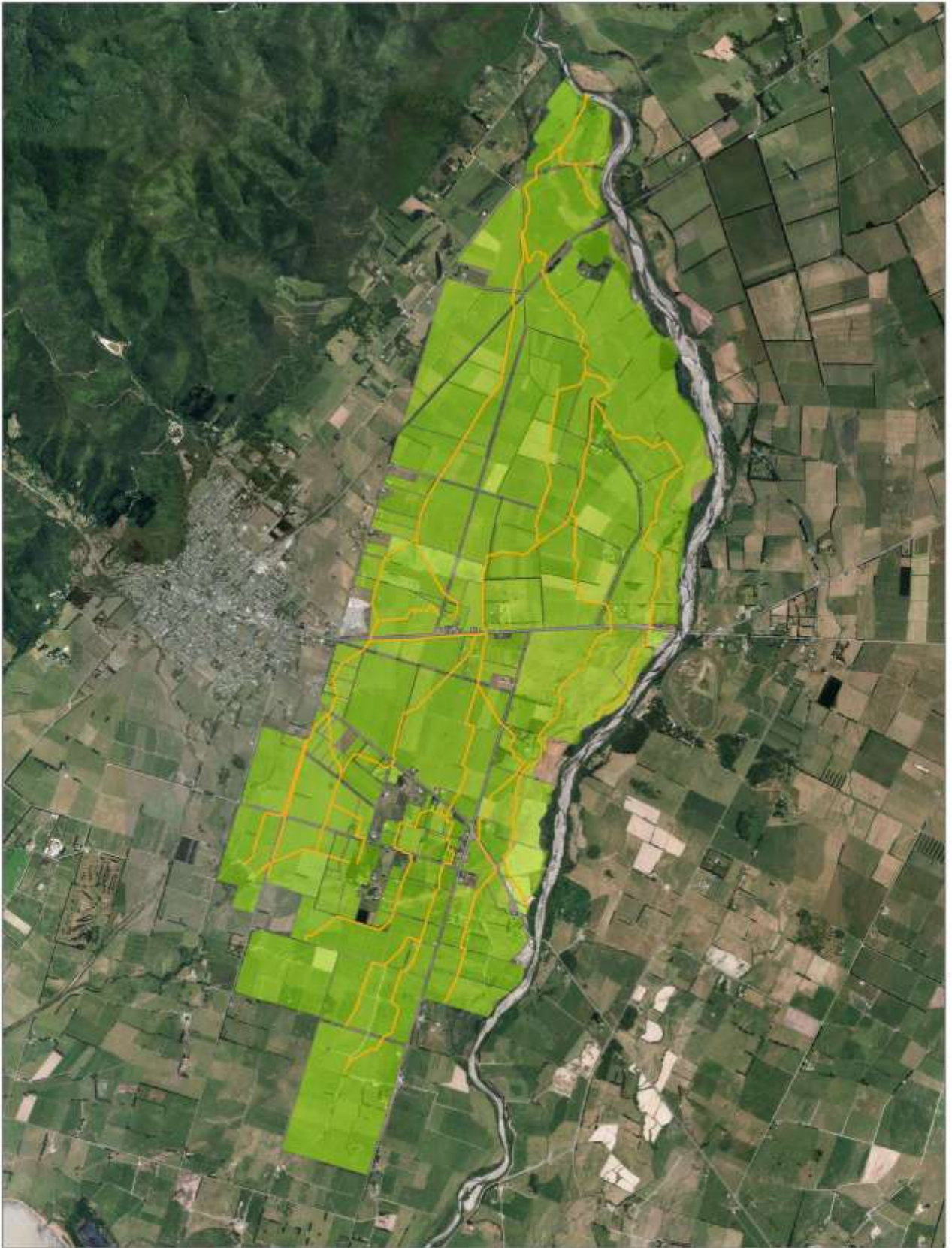
5.1.1 Defaults in payment of any rate or charge imposed on their land in respect of the supply of water from a water race; or





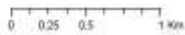
5.1.2 Breaches any obligations in clause 3 of this bylaw; or

5.1.3 Fails to do or perform any act, or thing, that he or she is required to do by these bylaws; or

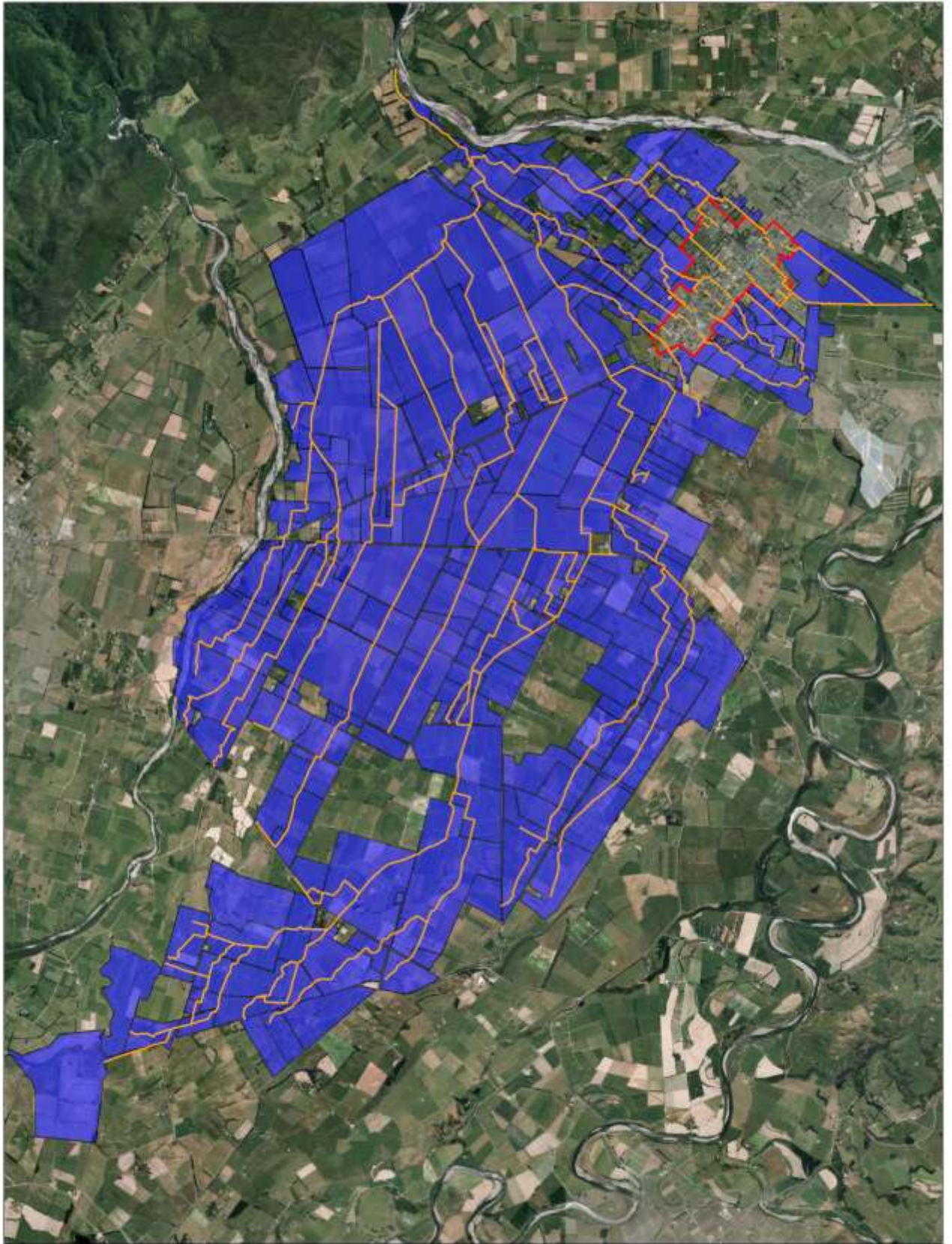
5.1.4 Engages in any prohibited activity specified in clause 2.4; or

5.1.5 Fails to comply with any terms and conditions of this bylaw.



	 Date: 27/03/2014	<b>Legend</b>  Longwood Water Race  Serviced Properties	<b>Longwood Water Race Serviced Area</b>	<small>DISCLAIMER: The Shire of Longwood, Cameron and South West Coast District Councils accept no responsibility for access or any other problem or loss of income incurred by any individual or company or entity, except as may be otherwise provided in this plan. This Council does not provide interpretation of the information or advice or take any liability for the information. Our own independent and appropriate professional advice should be sought. The information displayed on this map has been prepared as a service to the public. Accuracy is not guaranteed.</small>	 Scale = 1:20,000      Drawn By: J. White
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- Legend**
- Serviced Properties
  - Water Race
  - NAME**
  - Grayden Urban Zone

**Mora Water Race Serviced Area**

DISCLAIMER: The District, Council, and South Auckland District Councils do not warrant the accuracy of the information contained in this map. The Councils do not provide interpretation of this information or advice on how to interpret or apply this information. Your own judgement and appropriate professional advice should be sought. The information displayed on this map may vary from what is shown on the ground. The District Councils do not accept any liability for any loss or damage arising from the use of this information.



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